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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KOJI OKA, ET AL. : EXAMINER: LAM, HUNG H.
SERIAL NO: 10/658,549 :
FILED: SEPTEMBER 10, 2003 : GROUP ART UNIT: 2622
FOR: DIGITAL CAMERA, METHOD FOR :
SENDING IMAGE DATA AND SYSTEM
FOR TRANSMITTING AND RECEIVING
IMAGE DATA

APPEAL BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

I. REAL PARTY IN INTEREST

The real party in interest of this application is the Assignee, RICOH Company Ltd.

II. RELATED APPEALS AND INTERFERENCES

There are no known related appeals or interferences for this matter.

III. STATUS OF CLAIMS

Claims 1, 2, and 6-8 are pending in this application, Claims 1, 2, and 6 are rejected under 35 U.S.C. § 102(e) as being anticipated by Werner (U.S. 2003/0202104), and Claims 7 and 8 are allowed. Moreover, Claims 3-5 and 9-15 are canceled.

IV. STATUS OF AMENDMENTS

After the Final Rejection of August 22, 2008, a Request for Reconsideration has been filed, but no claim amendments were contained in this filing. Thus, the last amendment to any claims was in the Amendment of April 30, 2008, which has been entered and considered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention as recited in Claim 1, for example, relates to a digital camera. A feature of this digital camera is the broadcasting over a local area network, by the camera, of request data. The last paragraph of Claim 1 explains that the control device of the camera detects an IP address of the piece of equipment from which response data is sent. Subsequently, there is a sending of the image data which is stored in the storing device to the piece of equipment which includes the detected IP address.

Turning to the specific portions of the specification and drawings which correspond to the claim elements, Claim 1 is directed to a digital camera. Figure 1 illustrates a digital camera which is described in the specification beginning at line 1 of page 10.

The first element of Claim 1 is a device for storing image data. This device can be any type of memory for storing images, and support for this element is found in the external memory device 12 of Figure 1 which is described at p. 10, lines 2 and 3 of the specification. See also p. 10, lines 18-22.

There is a communication device connected to a local area network to conduct a data communication. Element 15 of Figure 1 is a communication section which is explained in the specification at p. 11, lines 2-4, for example.

There is also a control device to control said storing device and said communication device. In Figure 10, there is illustrated a control section 10 including a CPU 101 which are described in the specification at p. 10, lines 11-16.

The last paragraph of Claim 1 recites functions performed by the control device. Exemplary support for these functions can be found in the flow chart of Figure 3 and in the specification beginning on p. 13. The control device is recited as controlling said communication device to broadcast request data over said local area network. This is supported by step S2 of Figure 3 and is disclosed in the specification at p. 13, lines 11-19, for example. Claim 1 further recites that when data for responding to said request data is received from a piece of equipment which is connected to said local area network, said control device detects an IP address of the piece of equipment from which said response data is sent. In steps S3 and S8, the responses which are received by the camera are detected and stored, and it is explained in the specification that the IP address may be stored. See e.g., p. 14, lines 5-14 of the specification.

At the end of Claim 1, there is recited the sending of image data which is stored in said storing device to the piece of equipment which includes the detected IP address. This functionality is supported by step S7 of Figure 3 and is disclosed in the specification at the last line of p. 14 through line 3 of p. 15, for example.

Independent Claim 6 is a method for sending image data of a digital camera. The three recited elements of the digital camera utilized in Claim 6 correspond to the elements recited in Claim 1, and reference is made to the above explanation of Claim 1 with respect to these three elements. Regarding the features of the method including broadcasting, detecting an IP address, and sending the image data, these correspond to the functions of the control device of Claim 1 which have been explained above. However, for sake of completeness, the broadcasting corresponds to step S2 and the description in the specification at p. 13, lines 11-16, the detecting of an IP address corresponds to steps S3 and S8 and are described at p. 14, lines 5-14, and the sending of the image data corresponds to step S7 described in the specification at the last line of p. 14 - line 3 of p. 15.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The only ground of rejection remaining in this application is the rejection of Claims 1, 2, and 6 under 35 U.S.C. § 102(e) as being anticipated by Werner (U.S. 2003/0202104).

VII. ARGUMENT

The three claims on appeal are treated as a single group and stand or fall together, in view of the outstanding rejection. Independent Claims 1 and 6 have at least three features which prevent the claims from being anticipated.

Anticipation requires disclosure of each and every claim limitation in a single prior art reference, either explicitly or inherently. *MEHL/Biophile Int'l. Corp. v. Milgraum*, 192 F.3d 1362, 1365 (Fed. Cir. 1999). An anticipation analysis requires a comparison of the construed claim to the prior art. *Helifix, Ltd. v. Blok-Lok Ltd.*, 208 F.3d 1339, 1346 (Fed. Cir. 2000).

A first feature of the claimed invention is the feature of broadcasting over a local area network. In order to properly understand and apply prior art with respect to this limitation, it is important to construe what it means to broadcast over a computer network. Broadcasting over a computer network does not encompass every and any network communication, but broadcasting on a computer network is a well known term and understood by one in the art to mean that it is a sending of a message to a plurality of devices on the computer network. Broadcasting on a network is quite different from the common type of network transmission called "unicast" in which there is transmission to a single device. Broadcasting over a network has become a well known technique and is described, for example, in RFC 919 entitled Broadcasting Internet Datagrams, dated October 1984.¹ While the present invention is not limited to the implementations described in RFC 919, RFC 919 is merely cited as a document known to one of ordinary skill in the art which shows that broadcasting over a

¹ This reference to RFC 919 is not needed for any particular argument and even if unconsidered, will not affect the outcome of this appeal. It is merely being referenced to show the general state of the art. It is the Examiner's burden to set forth why the cited publication of Werner discloses broadcasting, and the Examiner has not met this burden.

network has a specific meaning. It is improper for the Examiner to assert that a unicast transmission over a network is a type of network broadcasting without any support for such assertion.

Werner clearly discloses that the camera sends location coordinates, i.e., data representative of the position of the camera to a location-based services provider 1212. See Werner at paragraph [0055]. That is, the camera sends information to a predetermined particular piece of equipment.

Thus, a first reason why the claims are not anticipated by Werner is that Werner at best discloses a unicast scheme whereas the claims require a broadcasting over a network.

A second reason why the claims are not anticipated by Werner is that there is recited in Claim 1, for example, that “said control device detects an IP address of the piece of equipment from which said response data is sent.” A feature of this phrase which cannot be overlooked is the term “from which *said response data* is sent.” In applying this reference, the Examiner has effectively overlooked or ignored the requirement of the word “said” in the phrase “said response data.” Antecedent basis for “said response data” is found in Claim 1 to be “data for responding to said request data.” Thus, the response data must be a response to the request and the request is recited as originating from the communication device of the camera. Thus, it is clear that the claim requires that the camera broadcast request data, and for the camera to receive a response to the request data, the response including an IP address of a piece of equipment that is sending the response.

For this feature, the outstanding Office Action relies on step 1214 of Figure 12 of Werner which is described in Werner at the bottom portion of paragraph [0055]. What is described in step 1214 of Werner is that the service provider sends back physical and communication addresses of one or more photo processing establishments. While it is acknowledged that this communication address recited in step 1214 could be an IP address,

such a communications address sent back by the service provider is not an “address of the piece of equipment from which said response data is sent.” It is an address of a photo processing establishment which was previously determined but the address is not sent from the photo processing establishment to the camera but the address is sent from the service provider to the camera.

In Werner, the service provider acts as a type of middleman which stores information regarding the service providers. Instead of the camera broadcasting to a number of devices on a network, the camera sends a transmission to a single device, the service provider. See step 1212 of Figure 12. Because of this unicast performed by Werner, there is no need for the service provider to send back its address.

Thus, there is a second reason why the claims are not anticipated.

Finally, Claim 1 recites that there is a sending of image data from the camera to the piece of equipment which includes the detected IP address. Thus, there is a requirement for the image data to be sent to equipment at the IP address which has been detected. This feature is also missing from Werner.

Based on the above three differences, the rejection under 35 U.S.C. § 102 is clearly erroneous and must be REVERSED.

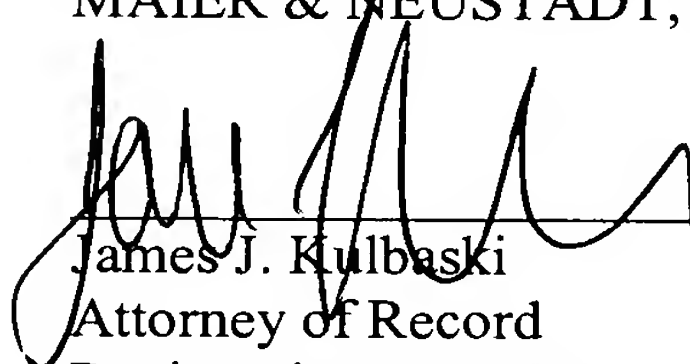
Respectfully submitted,

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